

FOREIGN.

There have been three arrivals. New York since our last paper, viz. the 3d from Liverpool with advices to the 10th August, the Canada with Liverpool advices to the 17th, and the 18th from Paris to the 16th August. We are indebted to our correspondents of the Courier, Daily Advertiser, Journal of Commerce, American, Mercantile, and Standard offices for extra sheets. We copy the intelligence in the order of its arrival.

BY THE SALEM.—Hostilities between Holland and Belgium.—March of the French Army of 30,000 men.

The ship brings Liverpool dates to the 15th August. The most important items by her are annexed:

Leopold applied simultaneously to England and France as members of the Alliance which had declared an armistice between Holland and Belgium, and had engaged to guarantee the neutrality and independence of Belgium. France ordered her troops to march because it was represented by the Belgian Minister in Paris that immediate assistance was indispensably required for the protection of Belgium.

The English Government immediately ordered a squadron to the Downs, to be ready to act as circumstances might require. But the French troops will enter Belgium solely to establish an armistice, and will evacuate the country again as soon as the Dutch troops shall retire to their own territory. *Times 5th.*

From the London Sun of Aug. 6.

MARCH OF THE FRENCH ARMY.

Events of importance thickened on the 5th of war is cast—and a French army of fifty thousand men is now on its march to assist the king of the Belgians in repelling the invasion of the Dutch. This is indeed important news, and must lead to results of great importance.

It appears that on Thursday night, intelligence had been received at Paris of the Dutch having broken the armistice, and commenced immediate hostilities by the capture of some Belgian towns. Nearly at the same time an express arrived from king Leopold, demanding the aid of a French army to preserve the neutrality of Belgium, and to repel the Dutch. The French King immediately convoked a council, at which M. Palmerston, and all the late Ministers attended. The result of their deliberations was the publication of an Extraordinary Edition

of the London Standard, and in accordance with the often expressed feelings of the nation.

By the Canada—six days later. The advices by the packet ship Canada are up to the 16th August from Liverpool, and to the 15th from London.

The storm of war which was gathering over Europe, seems to have been dispersed as rapidly as it rose. According to the news by the Canada, bringing London dates of the 15th, the king of Holland had consented to withdraw his troops from Belgium, an event which was officially announced by Lord Palmerston in the House of Commons, on the 11th; and that, in consequence the French troops would forthwith return within their borders. This little burst of war may, therefore, really conduce to establish peace more permanently.

The conduct of the Belgian troops when in face of the enemy, appears to have been most pusillanimous. They fled on two several occasions. It is said, without firing a shot—manifestly, without reloading if they did fire. But for the presence of the French troops in Brussels, there can be little reason to doubt that the Prince of Orange would have entered that city as a conqueror. Leopold behaved manfully; and in leaving Louvain, narrowly escaped being made prisoner by a regiment of Dutch cuirassiers.

Of Poland, we have nothing more decisive. The enemy was slowly, but we fear surely and fatally gathering round her capital; and there will be no human arm stretched to aid its heroic defenders.

In England, all appears tranquil. The Reform Bill was going at a somewhat accelerated pace through the House.

The promptness and unity of purpose with which Great Britain and France acted in the affairs of Belgium will not, it may be anticipated, be without effect on other questions, and especially that of Poland, in which they have a common feeling. Any interposition to save Warsaw, may indeed be too late; but we yet cling to the hope that Poland will again, through their mediation, be reinstated as a nation.

It would seem certain, from the nature of the accounts by this ship, that Prussia did not urge on the King of Holland; and that for aught that appears, the powers mediating in the affairs of Belgium have observed good faith to and with each other.

General Sebastiani, Minister at War, and General Lamarque, had a hostile, but bloodless, meeting. The cause of offence was given, we presume, in the discussion of the 10th.

Brussels, Aug. 12.—The rout of the

army of the Dutch has been confirmed by various persons who have arrived from Louvain and its neighborhood. It is now admitted to have been most complete, and that even without firing a shot. It was a race from one place to another, as it is described; but nevertheless it is to-day affirmed by the Minister Beige that this army was routed, and General Dine having been displaced by General Gosthals, every preparation is made to withstand the attack of the Dutch. Louvain is, however, forming barricades near three of its gates, and Louvain at two.

A great panic pervades the Belgians, and the army of the Belgians and all anxious to know not only if the French troops be arrived, but also if the English fleet has entered the Scheldt to protect them. Their cry is, that the horses of Dine's troops having been frightened by the firing of the guns turned upon the infantry, and routed all before them.

The French army has entered Belgium in three columns so as to reach Ghent, Namur, and Louvain, by nearly the same moment. This evening it is expected that 2,500 French cavalry will have reached the latter place. None are to enter this city.

From the morning Herald, Monday, 15th.

We have received Belgian papers and private letters to the date of yesterday. They bring the mortifying intelligence of fresh advantages obtained by the Dutch over the Belgians, and under circumstances which go to compromise forever Belgian honor. Even the King's personal safety seems to have been endangered.

But for the French army, whose presence these brave patriots so loudly protested against some days ago, the enemy would have been now in possession of their capital.

DEFEAT OF THE ARMY OF THE SCHELDT—HIS MAJESTY AT MALINES.

Brussels, Aug. 12.—This City was in a most dreadful state of agitation this morning. The Dutch having advanced within eight miles of Brussels, the drums at an early hour beat to arms, and the inhabitants were flying in every direction. It appears that this morning, about two o'clock, the Dutch formed themselves in line for battle, and at 4 o'clock attacked the Belgian army near Louvain.

The Dutch opened upon them in three columns, and commenced firing with great effect.

The Belgians, however, did not remain amongst them; they threw away their arms and caps, and tried to out do each other in running; by six o'clock the field of battle was clear, and the Dutch masters of the whole of Belgium; the greater part of the Belgic army threw themselves into Louvain. I do not believe there has been many killed or wounded. Their conduct was disgraceful, yet one is almost inclined to pity them; they have but few officers, and those they have were the first to fly. Had they not been in the habit of bragging most intolerably, and setting the whole of Europe at defiance, they would doubtless have received assistance; but they spurned the Dutch, and browbeat every other nation. I think the peace of Europe more likely to be preserved now than it would have been had the Belgians been victorious.

His Majesty left Louvain by the Brussels gate (all the others being guarded by the Dutch) about eleven o'clock, with a small detachment of Lancers, and crossed the country to Malines. Within five minutes of his Majesty leaving the high road near this city, a regiment of Dutch Cuirassiers took possession of the Chausee; the King could hardly have been out of sight. The Dutch then advanced to Cortenberg, about eight miles from Brussels, and took possession of the whole of the heights extending to within a league of Tervuren.

The French troops who have been living at Halle and Waterloo, entered Brussels, with the two princes about 2 o'clock. The enthusiasm with which they were received nearly equalled the reception of Leopold. Marshal Gerard arrived in the morning, and was greeted with every exclamation of joy. The Belgians live to thank the French for the safety of Brussels. The Dutch could have entered it when they pleased. The number of French in this city is about 2,000, infantry, cavalry and artillery.

Very early this morning, General Belliard proceeded to the headquarters of the Duke of Saxe Weimar, and remained with him a considerable time. The Duke ceased operations after the interview with the general. In the course of the day the General made known to the Prince of Orange that should he fire a single shot on

Louvain, it would be considered by the Five Powers as a declaration of war, but more particularly by France.

Lord Wellington, the aid-de-camp of the Prince of Orange, and two French officers, left this evening for the headquarters of his Royal Highness.

Five o'clock.—We are again in a state of alarm. It is said that the Dutch are moving towards Brussels. The Civic Guard are marching to the gates, and fresh cannon have been sent for their protection. I have just been on the heights. I cannot perceive any difference in the position of the Dutch. All the most respectable families have left us, and there is not a bed to be got in any of the villages or towns between this and the frontier of France.

HOLLAND.

The King of Holland has of necessity yielded to the circumstances of the moment, and declined all further hostility against Belgium. His Majesty, it is positively stated, has declared to the French and English governments, "that in commencing hostilities against Belgium he had not the slightest wish to embroil himself with the Great Powers; he regarded the quarrel between him and the Belgian government as strictly confined to the two belligerents, and as not at all connected with the interests or intentions of the Great Powers; but as he is now assured that the continuance of hostilities by him is viewed with dissatisfaction by the Conference, he, in accordance with his anxious desire to be on a friendly footing with the Great Powers, will discontinue hostilities, and withdraw his troops within the Dutch frontiers, as soon as he shall receive intelligence that the French troops have actually entered Belgium; as he will regard such entry of the French troops as an intimation of the adoption of the quarrel on the part of the Belgians by the Conference. His Majesty has also intimated that he sent orders to the Commanders of his troops to retire upon the advance of the French army, and on no account to commit any act of hostility after such advance."

Still later by the Alabama.

The Paris dates by this ship are to the 14th August.

Poland is more favorable, and that the investigation into the conduct of Schernecki, has resulted in his honorable acquittal. This has produced union and concert among them, and will enable them to resist with renewed energy the assaults of their enemies.

The Dutch have quietly withdrawn from Belgium, in consequence of an amicable convention with Gen. Gerard who, with his army, will accompany them to the frontier.

The Minister of War has announced to the Chamber of Deputies, that the French army would not leave Belgium, but would take such positions as would prevent the return of the Dutch troops and give time to the Belgian army to reorganize.

Accounts from Warsaw, dated the 29th July, state that the Lithuanians and Volhynians have received aid to prosecute the war against Russia. The Polish Diet prepared a proclamation to stimulate and encourage the nation. It appears that the utmost harmony and union prevail in Warsaw—that the most judicious military plans have been taken which kept in proof and secret; and the most patriotic resistance will be made by every Pole to the Russian borders. All fear had disappeared. The Polish Commander in Chief Schernecki, occupied the day of the 28th in examining the new batteries of Warsaw, the cannon of which were manufactured in the city.

The Warsaw Courier states that the corps of Gen. Rudiger had evacuated Lublin.

The Prussian Official Gazette states that the insurrection has again broken out in Volhynia.

Warsaw, 29th July. Our inquietude is at an end. The most perfect and cordial union presides over our future destinies. The treason of Gen. Jankowski, the unfavorable turn of affairs in Lithuania, and the passage of the Vistula by the Russian army, commanded by Field Marshal Paskewitch, appeared to put the fate of our country in danger. The nation was desirous to know the plans and determination of the Generalissimo Skrzynecki, and in the dangerous conjuncture in which we found ourselves, recourse was had to a Grand Council of War, composed of the members of the National Government, the most experienced Generals, of eight members of the Diet representing each of the palatinates of the present kingdom, & of some other patriots, representing the Polish Provinces of Russia.

The Generalissimo who owes his rank to the development of his ideas on the campaign, had the opportunity of expos-

ing his views and of initiating in his session the members of the Grand Council, that is to say, the representatives of the whole nation. All the members after having sworn to observe secrecy, on which the hopes of Poland depend, separated full of hope.

The army is well disciplined and the orders given by the Generalissimo. Never was the moment more favorable for the representatives of the French nation to pronounce in favor of the National Independence. France has still time to acknowledge us, but let her hasten, our successes for eight months past are sufficient guarantees to her of our future conduct.

Brussels, Aug. 14th, 10 o'clock at night.—The convention concluded yesterday is carried into execution to-day. The Dutch troops retired on two roads, Ferment and Diest. Six days are necessary for them to regain their frontiers. A part of the French army will follow them as a matter of form.

Important measures in the interior of the country are now under consideration—the disbanding of the army and the civic guard, and the complete expulsion of those surrounding the King. Leopold must take these steps; he is well disposed to do it, for he has had an opportunity of seeing the resolute incapacity of the intriguers who are about him. Will it be believed that at the moment it was necessary he should send a flag of truce to the Prince of Orange, to open the way for Mr. Adair and Lord John Russell, who were to agree on the conditions of the armistice, not one of his guards or officers of his staff were to be found! and he was obliged to send a young Frenchman who was with him as a volunteer.

The intention of M. Belliard, appears to be to oblige the Dutch to evacuate immediately, all the Belgian territory, including the citadel at Antwerp; to pay an indemnity for the expenses of the war; in fine, to give up to Belgium, Zealand Flanders. These are the intentions of France; but who can compel the victorious Dutch to accept conditions which only be expected to accede to if beaten.

HEAD QUARTERS OF THE FRENCH ARMY.

The following is the positions of the French army on the 12th, in the morning:

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The Editor of the New York Spectator mistakes the import of our remarks, in relation to his political cause. We suppose we intended the term Federal as a reproach. We have a very high respect for the ability and honesty of many distinguished men who have belonged to that party, but we do not agree with them, in their views of our government, on the contrary we sincerely believe them to be dangerous to the security and well-being of our common country. We know that the Editor of the Spectator avows and advocates those doctrines and as we believe his press to be a dangerous one if we had an extravagant opinion of the consequence and influence of the Spectator as the worthy Editor himself seems to entertain. It is quite amusing to observe the pomposity which this high flatter in politics and literature gives himself. We wish we could be as well satisfied of our humble self.

We will not stop to bandy words with the Spectator as to the politics of this or that individual but this we repeat, his paper is Federal, whether from ignorance or design we leave others to determine. His second Editorial notice of it is sublime and pungent. Who can calculate the numbers that have been edified by it! Prodigious!!!

Friday last was the day appointed for the meeting of the Free Trade convention. Unlike many of our collaborators in the cause of equal laws and equal privileges, we anticipate much towards the removal of the evils of which we complain from the labors of that convention. We anticipate it, not because we believe that the members of that convention will be guided by that temporizing policy which some have recommended and which we have already acted upon too long, which would have a tendency rather to fasten than to sever the bonds which hold the South in such abject subjection to a purblind and tyrannical aristocracy, who have disgraced the name of liberty, who have made an unhallowed use of the word right and who have unblushingly trampled upon the privileges of the poor and needy. But we anticipate much good because we think the members of that convention will assume high ground, because we think they will convince the people of the iniquity of the system; and will boldly demand, not of an overbearing majority in Congress whose ears have long been closed to the complaints of the oppressed but of the people of these United States a redress of the grievances of the South. We believe this will be their course and we believe it to be the only one which will have any good effect.

The National Intelligencer, the Richmond Whig and other leading slave papers have been playing a deep game. They held out the idea that Mr. Clay would decline a re-election in case he did not get Kentucky, in order to lull the friends of Republicanism to sleep. They have lulled them. They knew that Mr. Clay could not get Kentucky & they relaxed their exertions in pointing out the dangers which would befall the country from his election. The mask has now however been thrown off. Those two points have now unequivocally declared that Mr. Clay will not be dropped. They are making every exertion to secure his election. They are untiring in their efforts to build up for him a reputation which he does not deserve and to make the people forget his apostasy to their cause. To make them forget that he has deserted from the faith of the fathers of our Church. Let us then arise ourselves. Let us crush him. Let us prevent the destruction of our liberties and the ruin of our country by defeating his election. It is true he is now weak. It is true he can muster but few in his ranks, but if we sleep at our posts—if we make no exertions—if we do not counteract the attempts of his friends, he will be strong—he will overwhelm us and our rights. We will push our country from the lofty pedestal upon which it stands and hurl it into the yawning gulph beneath.

We have not yet had the mortification to read Maj. Eaton's "Candid Appeal to the American People." We have been told that it occupies fifty-five pamphlet pages. Would it not be advisable for the good people of this confederacy to form an Anti Prolix society?

We refer our readers to an extract from the Mercury for an account of the suit instituted by the district attorney of Charleston, on the Custom House bond of Messrs. Maxell & Holmes, which the latter gentlemen refused to pay for the purpose of testing the constitutionality of the Tariff.

Mr. Barron has replied to Maj. Eaton. We will refer to the appeal and to the reply at some future day.

Mr. Lumpkin we learn has replied to that part of Mr. Crawford's address which had allusion to him. The reply is said to be short and pointed.

The Foreign news in our paper of today is of the highest importance.

The United States Gazette says that No. 10,000 is anxious to bring out Mr. Madison for the Presidency. Wonderful discovery!

The object of the press is to publish truth and nothing that is not strictly correct should ever be admitted by the Editor of a paper into his columns when he is possessed of the necessary information to enable him to detect error. The misrepresentations of the press equally with vituperation operate to destroy the great purposes which were contemplated in its establishment. Perhaps there is less to fear from the former than the latter evil, as the poison carries with it its antidote.

In reading a communication in the Richmond Whig, the writer of this article found the following unqualified assertions: "Mr. Calhoun denies that, in the theory of our government, the majority is to govern." It is but a hark back to the author of the communication referred to, if he really believed Mr. Calhoun denied the right of the majority to govern, and if he did not believe his own dictum, but made the assertion wantonly, he should blush that any consideration either personal or political could so powerfully mislead him as to commit the crime of wilfully misrepresenting a man who has so candidly and independently (without stopping to calculate the consequences to his political promotion) thrown himself, with a full knowledge of all the prejudices against his opinions, upon the good sense, forbearance and candor of the people. Mr. Calhoun, in perfect accordance with the doctrine of some of the most learned writers upon the science and practice of government, denies the right of the majority to govern, in all cases. He disclaims likewise the doctrine of the natural right in the majority to govern, referring it to the property to constitutional authority. But to avoid all mistake and misapprehension, the following is extracted from his exposition.

"No one can have a higher respect for the maxim, that the majority ought to govern than I have, taken in its proper sense, subject to the restrictions imposed by the constitution, and confined to subjects in which every portion of the community have similar interests but it is a great error to suppose, as many do, that the right of the majority to govern is a natural and not a conventional right; and therefore absolute and unlimited. By nature every individual has a right to govern himself; and governments, whether founded on majorities or minorities, must derive their right from the assent, expressed or implied, of the governed, and be subject to such limitations as they may impose."

Instead of denying the right of the majority to govern, as an abstract proposition in the science of government, he sets out by averring his respect for it, only rejecting its universal application and its divine origin. Had he intended to deny the existence of the right it would have been absurdity and contradiction to have acknowledged its existence. He does not believe that the right in the majority to govern is derived from nature, since by nature every individual has a right to do as he pleases save in his obligation to observe and obey the laws of God. He does not believe that in a free government the majority has a right to govern when it oppresses the minority. This is the extent of Mr. Calhoun's rejection of the asserted and acknowledged right of the majority to govern in civil government. The following additional extract expressly asserts the doctrine, "Where the interests are the same, that is, where the laws that may benefit one will benefit all, or the reverse, it is just and proper to place them under the control of the majority." Was the writer in the Whig blind, or was his understanding so bewitched by prejudice that he could not see or construe this latter quotation? Here is a clear and unequivocal acknowledgement by Mr. Calhoun that the right of the majority to govern does exist, and yet the writer in the Whig boldly and broadly avows, that Mr. Calhoun, in the theory of our government, denied the right of the majority to govern.

But this is not the only point in which the writer in the Whig misrepresents Mr. Calhoun, and evinces his want of proper observation or his wicked disregard of truth. He quotes the concluding sentence of Mr. Calhoun's argument upon the effect of the tariff as it now exists, and what its tendency would be, if modified, in which he intimates, that if the latter policy should prevail; that is, if the duties on imports should be regulated upon the revenue system, production will be cheapened. The writer garbles the sentiments of Mr. Calhoun, and would create the impression that Mr. Calhoun was guilty of the absurdity of complaining that the tariff impoverished the South by excluding their staples from the market, and yet he would repeal the tariff to cheapen their production. The word production was intended to be applied to manufactures, and not to the staples of the South, as the following quotation, from that part of the exposition upon the same subject, immediately preceding the part cited by the writer in the Whig, will clearly establish.

"The tendency of the tax or duty, on the imported article is, not only to raise its price, but also in the same proportion, that of the domestic article of the same kind, for which purpose, when intended for protection, it is in fact laid; and of course in determining where the system ultimately places the burden in reality, this effect also must be taken into the estimate. If one of the sections exclusively produces such domestic articles, and the other purchases them from it, then it is clear that to the amount of such increased prices, the tax or

duty on the consumption of the foreign article would be transferred from the section producing the domestic article to the section purchasing and consuming them, from the latter to the former, be indemnified by the increased price of the objects of its industry, which will venture to assert to be the case in the great staples of the country, which form the basis of our exports, the price of which is regulated by the foreign and not the domestic market."

Is it so apparent and convincing from this extract, which the one made by the writer in the Whig is a continuation, that the term production was applied to domestic manufactures and not to the staples of the South as is asserted? Mr. Calhoun thinks that the reduction of the duties on imported goods would cheapen the production of articles of domestic manufacture. Mr. Calhoun does not apply the term production, to the staples of the South, and therefore could not have intended to state, that the modification of the tariff laws would "depress the price of production" of the Southern staples, as the writer in the Whig supposes.

Of the soundness of Mr. Calhoun's political opinions the people can best determine for themselves—only let them be fairly met, when they are made the subject of criticism. If they are honestly quoted, or fairly, as perceived from their true and legitimate meaning, the public is deceived and led into error, by such great and crying injustice as done to Mr. Calhoun.

The writer in the Whig gives him ample credit for his ability, and yet would he destroy his influence by leading the public to error as to his political opinions? But if Mr. Calhoun were really guilty of the misapprehensions which this writer charges upon him, it would afford very strong evidence that he is not the great and powerful man he admits him to be, and that his enlightened mind could entertain any public opinion so entirely opposed to each other in the same paper and upon so important a subject, as the nature and policy of our government.

Salisbury, Sept. 28th 1831.

CUSTOM-HOUSE BOND.
From the Charleston Mercury of the 21st of September.

Custom House Bond.—The important and absorbing case of the Custom House Bond, came on for trial yesterday in the District Court. The anxiety to hear Mr. McDuffie was intense and the Court House was crowded at an early hour. Messrs James G. Holmes and McDuffie appeared for the Defendants and R. B. Gilchrist, Esq. District Attorney, and Mr. Pettigru, for the United States. We had not the pleasure of hearing any of the speakers, but the argument, on both sides, is said to have been conducted with ability and eloquence. Mr. Pettigru, we understand, displayed much ingenuity and acumen; and Mr. McDuffie particularly is pronounced by all who heard him, to have admirably sustained his exalted reputation; and to have amply gratified the high wrought expectations of his auditors. The principal point under discussion was, whether the Defendants should be allowed the benefit of a trial by Jury. Judge Lee, it is understood will give his opinion upon this point at 12 o'clock this day. Knowing the deep interest, which is generally felt respecting it, we applied for and procured from a friend, the following interesting statement of the case:

On the call of the case, R. B. Gilchrist, Esq. District Attorney, moved for judgment and contended that under the Act of Congress of 1799, the Defendant not having made affidavit that there was an error in the calculation of the duties nor given previous notice to the Collector he was not entitled to make any defence, but the Plaintiff had a right to judgment upon the return of the writ. J. G. Holmes Esq. for the Defendants, submitted a motion that the Defendants "have permission to plead," and contended, that the Act of 1799 could not bear the construction contended for, being intended to effect nothing more than to deprive the Defendants of a right to impart, and continue, and not to deprive him of a right to defend the action, when he was not in default. That the Acts of Congress required a suit at Law to be brought, and ex vi termini, the Defendants were entitled to defend the suit. That a suit was otherwise a mere mockery—a contradiction in terms.—The Court could not presume this to be the intention of the Act, and even if the intention were clear, it was not only a direct violation of the constitution of the United States, but infringing every principle of jurisprudence.

At this stage of the case, a question arose as to the right to reply in conducting the argument on the motions under consideration. Mr. Pettigru, for the Plaintiff, contended that their motion being first in order, they had the right to conclude. Mr. McDuffie for Defendants urged that it was unimportant which motion was first made; but the question was, which must first be considered and determined—that the motion for leave to plead, was necessarily a preliminary to the motion for judgment; for if the latter motion was granted, the motion for leave to plead, would be too late. Whereas, whether this motion was granted or denied, the Plaintiff would have an oppor-

tunity of afterwards making their motion. Mr. Gilchrist, the Plaintiff's counsel, contended that it was simply a question of the Plaintiff's right to conclude as well as to open the argument on his motion.

Messrs. McDuffie and Pettigru afterwards spoke at large on the merits of the District Attorney's motion. On the part of the U. S. Attorney was insisted that on a Bond for duties a proper course was for the Court to grant judgment on motion, and that the Defendant was not entitled to plead, and that this had been the practice of the Court. That if a plea of non est factum was not in as had been intimated by the Counsel for defendants, that the Jury could not inquire into the constitutionality of the Tariff laws, and must be confined strictly to the enquiry whether the Defendants executed the Bond, and it was denied that the Constitution secured the right of trial by Jury, in cases of a Bond given for duties.

Mr. McDuffie deeply insisted on the right of Jury trial as belonging to the citizen under the Constitution in all suits at law where the amount in controversy exceeded \$20; that this was such a suit, and therefore the Court could not deny a plea and a trial according to the forms of common law. He insisted on the right of the Jury to judge both of the law and the fact, and contended that in this case under a plea of non est factum, it could be shown that the law was unconstitutional and void. The Tariff and other questions of deep interest arose in the course of the argument touched upon, and the whole subject was eloquently and ably discussed.

It is impossible even to give an outline of the argument. The Counsel were in an eminent degree learned and eloquent, and Mr. McDuffie in particular (whose appearance at our Bar had excited the deeper interest in our community) distinguished himself in the highest degree. His argument throughout was in the loftiest strain of eloquence, and fully met public expectation, which is perhaps the highest praise in our power to bestow. His Honor Judge Lee stated that on the question involved in the motion was an important one, he would take time to deliberate and should give his opinion tomorrow (this day) at 12 o'clock, at which time the Court stands adjourned.

From the Mercury of the 22nd of September.

The Custom House Bond.—We understand that his Honor Judge Lee yesterday decided that the testimony offered by the defendants, as to the point whether the Bond of Messrs. Holmes & Maxwell was given under the Tariff Act of 1799, could not be admitted, and that the defendants were strictly confined to the mere matter of the signature and execution of the Bond. No evidence was allowed as to the consideration, or proof that the Bond was given to secure the payment of duties, generally considered unconstitutional and oppressive, especially as it did not appear that notice of the precise nature of their defence, had been given by the defendants. The defendants counsel then informed the Court that notice of this fact had been given, and again offered evidence of the unconstitutionality of the Bond, under the decision of the Appeal Court of this State, which expressly declares that evidence to show that a Bond is void may be given under the general issue after due notice. This again was overruled by the Court. The defendants counsel then offered to go into evidence as to the amount of the amount of duties, under decisions of the Federal Court in Rhode Island—which evidence was again rejected by the Court. The Defendants Counsel then declared that they could do nothing more than for the case go to the Jury without any evidence as to the Court had shut out all investigation. Mr. James Holmes then addressed some pertinent remarks to the Jury, in behalf of the Defendants, and the case was submitted. Mr. McDuffie declined to address the Jury at all under a case so trammelled and bound up. The Jury then retired—and on returning into Court, connected to find that the Bond was Mr. Holmes' Act and Deed, with the exception of one Jurymen, who desired it to be recorded, as part of the Verdict, that the Bond was given under an unconstitutional Law.—This was disallowed by the Court—when the Jury again retired—and after a short time, brought in a Verdict to this effect—that no other question being submitted to them but the question whether the Bond was the Deed of the Defendants, they find that it is the Deed of the Defendants.—Such has been the end of this interesting and exciting case—in which, as it seems, even after a Jury was allowed, the defendants were not permitted to test the constitutionality of the law—the very essence of the question, and the great and important object for which the defendants had refused to pay their Bonds.

FROM THE ILLINOIS ADVOCATE.

Hezekiah Niles and Matthew Carey, the "Jacin and Boaz" of the American System, have been telling the people for several years past, that the "Tariff" and "high duties make goods cheap." Will these gentlemen now be good enough to tell us, why it is that protected domestics, cassinets, and American wools, have risen in price from twenty to forty per cent. within the last year? And why new factories are erecting in the Eastern States, if those already there can more than supply the demand of the home market? And why it is that the farmers and mechanics are unable to make more than from one to six per cent. on their capital and labor, whilst the protected sugar planter and cotton and woolen manufacturers are enabled to divide from fifteen to fifty per cent. on their capital? Be good enough, gentlemen, to explain this matter to the people of the "West."

NOTICE.
Messrs. J. M. Sibley & Co. 5th Inst. by Adam Gordon, Esq. Mr. John Sibley to Messrs. J. M. Sibley & Co.
In Surry County, on the 1st Inst., by James Calloway, Esq. Mr. Daniel Oucherson to Miss Lucinda Reece.
In the County, on the 8th Inst., by Adam Gordon, Esq. Mr. David Richard to Miss Polly Lester.

DEATH.
On Wednesday, the 29th ult. Daniel Mcenan, Esq. one of the most worthy and respectable citizens of our town. Mr. Mcenan was a native of the "Emerald Isle" and emigrated to this country as the adopted of his heart where he could enjoy in peace and security, that liberty for which his brave and generous countrymen have "fought, bled and died." His mind was highly cultivated, his sentiments expanded and liberal, and his manners amiable and refined. He was a prosperous merchant of this place, and was, some time before his death, chosen magistrate of Salis-bury, which trust he discharged with activity and fidelity. He has left, we believe, no relatives in this country behind him to mourn over his departed worth. But he has left friends, many friends—who have and appreciated his merit, and who deeply deplore the loss, which they have sustained, in common with the whole community, in his death.
In Surry County, on the 5th ult. Capt. Wm. Jeffrey, aged about 70 years.

To Undertakers.
SEALED Proposals will be received by the Subscribers until the 3d. Monday, 11 November next, for a thorough repair of the PRISON in Salisbury, N. C. The materials to be of Rock, Wood, and Iron, with a plan of executing the same accompanying the proposals. Persons wishing to undertake, will call on F. SLATER, Esq. at the Jail and view the same: MAXWELL CHAMBERS, W. H. MORAN, GEORGE VOGELER, Secy.

Notice.
Will be sold on Wednesday 19th Oct. next at the late dwelling house of the Rev. James M. Knight dec'd. the following property viz:
Horses, Cattle, Hogs, & Sheep, Rice, Oats, and a large quantity of Corn & Fodder, Hay, and farming utensils, Also—
all the household and kitchen furniture and a large and well selected library and various other articles too tedious to mention, where due attendance and terms will be made known on that day by the subscribers.

John Simon, } Administrators.
James Simon, }
Sept. 24th 1831. 3-93
N. B. Any person having any of the books are requested to return them to the subscribers on or before that day without fail, and all persons indebted to said Estate are requested to come forward and make settlement immediately. J. S. & J. S.

New Firm.
THE subscribers have this day entered into copartnership under the firm of Ashcroft & Sibley and have purchased the former stock of J. M. Ingram Esq. and are establishing themselves near the dwelling of Mr. G. Sibley. They have, also, an additional supply just arriving from New York and Charleston which will enable them to keep as handsomely an assortment as has ever been offered to the public in Mecklenburg, which will be sold on the most liberal Terms for cash or credit to approved customers. 2-99
LEVI H. ASHCROFT.
GABRIEL SIBLEY.
Ingramville Sept. 23, 1831.

Twenty Dollars Reward.
ESCAPED from the Jail in Rowan County, on the 12 instant, two negro men,—one a free negro by the name of Sam Bailem who is about built, very black, about 28 or 30 years old, speaks broken of the French language;—and the other a slim black fellow very active, belongs to James Hute of this place (Salisbury). Mr. Hute purchased him in Concord Jail, of Col. Kin-dale as the agent of some man in Alabama, his name is Hurdle. The above reward will be paid upon the delivery of said negroes to me, in Salisbury, or by securing them so that I get them—if not both taken Ten Dollars for each one. F SLATER, SA/T.

WAGGONERS,
Driving to Fayetteville,
WILL find it to their advantage, to stop at the Wagon Yard, where every convenience is provided for Man and Horse, to make them comfortable, at the moderate charge of 25 cents a day and night, for the privilege of the Yard, the use of a good house, fire, water, and shelter. Attached to the Yard, are a Gro-cery and Provision Store, Bread Shop and Confectionary, and a House for Boarders and Lodgers in a plain, cheap, wholesome and comfortable style.—Fayetteville April 1st 1829.

